IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 15437 of 2004

Between:

1. A.S. Deepa W/o A.S. Dinesh Kumar
Door No. T.S. No. 3/16, Ward No. 4, Block-B Door No.13/308, West Mada Street, Tirumala, Chittoor District
2 N. Revathi D/o N.S. Venkataramana
Door No. T.S. No. 3/16, Ward No. 4, Block-B Door No.13/308, West Street, Tirumala, Chittoor District

..... PETITIONER(S)

AND

1 The Government of A.P. rep by Principal Secretary, Revenue (Endts.III) Dept. Secretariat Building, Hyderabad
2 The Special Deputy Collector (Land Acquisition) T.T.D. Tirupathi, Chittoor District

....RESPONDENTs

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in deliberately deleting the petitioner names as person interested in the section 6 declaration dt 31-7-2004 published in Indian Express Daily new paper as illegal, arbitrary, unconstitutional and against the provisions of L.A. Act and by setting a side the declaration U/S 6 of the L.A Act along with all the steps and proceedings taken U/s. 9(3) & 10 of the Act dt 30-7-2004 and direct the respondents to issue fresh declaration U/s 6 mentioning the names of petitioners as person interested and to notices in the subsequent proceedings to enable petitioners to get compensation as per L.A. Act and to grant such other relief or reliefs ass this Hon'ble Court may deems fit and proper in the circumstances of the case.

For the Petitioner: MR.P.HARINATH GUPTA

For the Respondents: GP FOR LAND ACQUISITION

The Court at the admission stage made the following :

ORAL ORDER:

Declaration published on 31-7-2004 under Section 6 of the Land Acquisition Act, 1894 (for short "the Act") and notices issued under Section 9(3) and 10 of the Act are challenged by the petitioners on the ground that the names of the petitioners have not been mentioned in the declaration.

In the notice issued under Section 9(3) and 10, land owner's name is mentioned as N.Indira, W/o N.S.Venkataramana, against TS No.3/16, but the notice dt. 24-1-2004 was issued to N.S. Venkataramana and the petitioners. I see no infirmity in the notice issued under Sec.9 (3) and 10, as all the petitioners are residing in the said premises. Learned counsel for the petitioners failed to substantiate as to how Sec.6 declaration has to be set-aside for non mentioning of the names.

Having regard to the facts and circumstances, if the petitioners are having any claim over the property, which is subject matter of acquisition, they can very well file their claim statement claiming compensation for the property acquired and as and when such claim statement is filed, the second respondent is bound to make an enquiry and pass appropriate orders in accordance with law.

With the above directions, the writ petition shall stand dismissed. No costs.

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A.GOPAL REDDY,J

Dt. 13-9-2004

Kmr

Note: Issue CC in two days.

(BO)

To

1 The Government of A.P. rep by Principal Secretary, Revenue (Endts.III) Dept. Secretariat Building, Hyderabad
2 The Special Deputy Collector (Land Acquisition) T.T.D. Tirupathi, Chittoor District

3. Two CCs to the Govt., Pleader for Land Acquisition, High Court Buildings, Hyderabad (OUT).

4. Two CD copies.